

IN THE UNITED STATES DISTRICT COURT  
DISTRICT OF OREGON

HIEN DUONG-TRAN,	)	
	)	
Plaintiff,	)	Civil Case No. 08-120-AC
	)	
vs.	)	ORDER
	)	
KAISER FOUNDATION HEALTH	)	
PLAN OF THE NORTHWEST, an	)	
Oregon non-profit corporation,	)	
	)	
Defendant.	)	
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David P. Rossmiller  
Matthew R. Wilmot  
Dunn Carney Allen Higgins & Tongue LLP  
851 SW Sixth Avenue, Suite 1500  
Portland, Oregon 97204

Attorneys for Plaintiff

Chris Kitchel  
Amy Joseph Pedersen  
Beverly C. Pearman  
Marc E. Alifanz  
Stoel Rives LLP  
900 SW 5th Avenue, Suite 2600  
Portland, Oregon 97204

Attorneys for Defendant

KING, Judge:

The Honorable John V. Acosta, United States Magistrate Judge, filed Findings and Recommendation on March 28, 2008. The matter is before this court. See 28 U.S.C. § 636(b)(1)(B) and Fed. R. Civ. P. 72(b). No objections have been timely filed. This relieves me of my obligation to give the factual findings de novo review. Lorin Corp. v. Goto & Co., Ltd., 700 F.2d 1202, 1206 (8th Cir. 1983); See also Britt v. Simi Valley Unified School Dist., 708 F.2d 452, 454 (9th Cir. 1983). Having reviewed the legal principles de novo, I find no error.

Accordingly, I ADOPT Magistrate Judge Acosta's Findings and Recommendation (#13). IT IS HEREBY ORDERED that Plaintiff's Motion to Amend Pursuant to FRCP 15(a), or in the Alternative to Voluntarily Dismiss Federal Claims Pursuant to FRCP 41(a)(2) (#5) is considered a motion to amend complaint and it is GRANTED. Plaintiff's Motion to Remand Case to State Court (#7) is GRANTED. Plaintiff shall file an amended complaint by May 9, 2008, after which the case will be REMANDED to state court. Defendant's request for attorney fees is DENIED.

Dated this 28th day of April, 2008.

/s/ Garr M. King  
Garr M. King  
United States District Judge